

- [Query](#)
- [Reports](#)
- [Utilities](#)
- [Help](#)
- [Log Out](#)

ACO

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:19-cv-00933-RER**

Robbins Geller Rudman & Dowd LLP v. United States Securities and
Exchange Commission

Assigned to: Magistrate Judge Ramon E. Reyes, Jr
Cause: 05:552 Freedom of Information Act

Date Filed: 02/15/2019

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

Robbins Geller Rudman & Dowd LLP

represented by **Evan Jay Kaufman**

Robbins Geller Rudman & Dowd LLP
58 South Service Road
Suite 200
Melville, NY 11747
(631) 367-7100 ext. 233
Fax: (631) 367-1173/1174
Email: ekaufman@rgrdlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael G. Capeci

Robbins Geller Rudman & Dowd LLP
58 South Service Road
Suite 200
Melville, NY 11747
(631) 367-7100
Fax: (631) 367-1173
Email: mcapeci@rgrdlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel H. Rudman

Robbins Geller Rudman & Dowd LLP
58 South Service Road
Suite 200
Melville, NY 11747
(631) 367-7100
Fax: (631) 367-1173
Email: srudman@rgrdlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Securities and Exchange
Commission

represented by **Kathleen Anne Mahoney**
United States Attorneys Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-1820
(718)254-6026
Fax: (718)254-6081
Email: Kathleen.Mahoney@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Vincent Lipari
United States Attorneys Office
Eastern District of New York
610 Federal Plaza, 5th Floor
Central Islip, NY 11722-4454
(631) 715-7864
Fax: (631) 715-7920
Email: vincent.lipari@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/15/2019	1	COMPLAINT <i>FOR INJUNCTIVE RELIEF</i> against United States Securities and Exchange Commission filing fee \$ 400, receipt number ANYEDC-11206203 Was the Disclosure Statement on Civil Cover Sheet completed -Yes,, filed by Robbins Geller Rudman & Dowd LLP. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5) (Capeci, Michael) (Entered: 02/15/2019)
02/15/2019	2	Proposed Summons. Re 1 Complaint, by Robbins Geller Rudman & Dowd LLP (Capeci, Michael) (Entered: 02/15/2019)
02/19/2019	3	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made. (Flanagan, Doreen) (Entered: 02/19/2019)
02/19/2019		Case Assigned to Judge Joseph F. Bianco and Magistrate Judge Arlene R. Lindsay. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Flanagan, Doreen) (Entered: 02/19/2019)
02/19/2019	4	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Flanagan, Doreen) (Entered: 02/19/2019)
02/19/2019	5	Summons Issued as to United States Securities and Exchange Commission, U.S. Attorney and U.S. Attorney General (Flanagan, Doreen) (Entered: 02/19/2019)
02/20/2019	6	AFFIDAVIT of Service for Summons and Complaint served on United States Attorney General Letitia James & United States Attorney for the Eastern District of New York, Richard P. Donoghue on February 19, 2019, filed by Robbins Geller Rudman & Dowd LLP. (Capeci, Michael) (Entered: 02/20/2019)
02/20/2019	7	SUMMONS Returned Executed by Robbins Geller Rudman & Dowd LLP. United States Securities and Exchange Commission served on 2/19/2019, answer due 3/12/2019. (Capeci, Michael) (Entered: 02/20/2019)

03/08/2019		Case randomly reassigned to Judge William F. Kuntz, II and Magistrate Judge Ramon E. Reyes, Jr. Judge Joseph F. Bianco, Magistrate Judge Arlene R. Lindsay no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Florio, Lisa) (Entered: 03/08/2019)
03/08/2019	8	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that if all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Florio, Lisa) (Entered: 03/08/2019)
03/22/2019	9	ANSWER to 1 Complaint, by United States Securities and Exchange Commission. (Lipari, Vincent) (Entered: 03/22/2019)
03/22/2019	10	SCHEDULING ORDER: Initial Conference set for 4/17/2019 at 11:30 AM in Courtroom 2E North before Magistrate Judge Ramon E. Reyes, Jr., in Courtroom 2E North located in the United States Eastern District of New York Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201. All counsel are required to attend, and plaintiff's counsel is directed to ensure that all counsel are aware of their obligation to appear. Any requests for adjournment must be made at least forty-eight (48) hours before the scheduled conference. Prior to the conference, the parties are to comply with the requirements of Rule 26(f) of the Fed. R. Civ. P. (See attached blank document.) Case Management Statement must be completed and filed on ECF no later than 4/10/2019. Ordered by Magistrate Judge Ramon E. Reyes, Jr., on 3/22/2019. (Several, Emily) (Entered: 03/22/2019)
04/09/2019	11	NOTICE of Appearance by Kathleen Anne Mahoney on behalf of United States Securities and Exchange Commission (aty to be noticed) (Mahoney, Kathleen) (Entered: 04/09/2019)
04/10/2019	12	Letter to Honorable Ramon E. Reyes, Jr. enclosing Defendant's proposed Case Management Statement by United States Securities and Exchange Commission (Attachments: # 1 Proposed Order) (Mahoney, Kathleen) (Entered: 04/10/2019)
04/10/2019	13	CASE MANAGEMENT STATEMENT <i>on behalf of Plaintiff</i> (Rudman, Samuel) (Entered: 04/10/2019)
04/10/2019	14	Letter to Honorable Ramon E. Reyes, Jr. re: explanation why Plaintiff and Defendant have each submitted their own Case Management Plans by Robbins Geller Rudman & Dowd LLP (Rudman, Samuel) (Entered: 04/10/2019)
04/17/2019		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr.: Initial Conference Hearing held on 4/17/2019. Appearances: Michael G. Capeci, Esq. and Evan Jay Kaufman, Esq., for Plaintiff; Kathleen Anne Mahoney, Esq., for Defendant. Paralegal from the U.S. Attorney's Office also present. Discussions held. Plaintiff's request for a discovery schedule is denied pending Defendant's anticipated motion for summary judgment. Defendant is directed to file a letter by 4/24/2019 informing the Court whether it consents to Judge Reyes's jurisdiction. If Defendant chooses to consent, the letter should also include a briefing schedule for the anticipated motion for summary judgment. (FTR Log #11:38:05-12:07:27.) (Several, Emily) (Entered: 04/17/2019)
04/24/2019	15	CONSENT to Jurisdiction by US Magistrate Judge by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 04/24/2019)
04/24/2019	16	Letter to Honorable Ramon E. Reyes, Jr. setting forth proposed briefing schedule for Defendant's motion for summary judgment by United States Securities and Exchange Commission (Mahoney, Kathleen) ADDED Event Type Motion for Extension of Time to File Document on 4/25/2019 (Vertus, Miriam). (Entered: 04/24/2019)
04/24/2019	17	Letter MOTION for New Trial <i>Letter Motion Requesting that the Court Schedule a Trial in this Litigation</i> by Robbins Geller Rudman & Dowd LLP. (Rudman, Samuel) (Entered: 04/24/2019)
04/26/2019		Case no longer referred to Magistrate Judge Ramon E. Reyes, Jr. (Tavarez, Jennifer) (Entered: 04/29/2019)

04/26/2019	18	CONSENT to Jurisdiction by US Magistrate Judge Case reassigned to Magistrate Judge Ramon E. Reyes, Jr for all further proceedings. Judge William F. Kuntz, II no longer assigned to case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Tavarez, Jennifer) (Entered: 04/29/2019)
04/29/2019		ORDER granting 16 Briefing Schedule Ordered by Magistrate Judge Ramon E. Reyes, Jr on 4/29/2019. (Reyes, Ramon) (Entered: 04/29/2019)
05/06/2019	19	RESPONSE in Opposition re 17 Letter MOTION for New Trial <i>Letter Motion Requesting that the Court Schedule a Trial in this Litigation</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 05/06/2019)
06/21/2019	20	Letter to Plaintiff's counsel enclosing Defendant's motion for summary judgment by United States Securities and Exchange Commission (Mahoney, Kathleen) (Entered: 06/21/2019)
07/22/2019	21	Letter to Defendant's counsel enclosing Plaintiff's Motion for Summary Judgement Opposition by Robbins Geller Rudman & Dowd LLP (Capeci, Michael) (Entered: 07/22/2019)
08/05/2019	22	Notice of MOTION for Summary Judgment by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	23	RULE 56.1 STATEMENT re 22 Notice of MOTION for Summary Judgment <i>Defendant's Statement Pursuant to Local Civil Rule 56.1</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	24	MEMORANDUM in Support re 22 Notice of MOTION for Summary Judgment <i>Memorandum of Law in Support of Defendant's Motion for Summary Judgment</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	25	AFFIDAVIT/DECLARATION in Support re 22 Notice of MOTION for Summary Judgment <i>Declaration of Aaron Taylor</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	26	AFFIDAVIT/DECLARATION in Support re 22 Notice of MOTION for Summary Judgment <i>Declaration of Kenneth V. Byrne</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	27	MEMORANDUM in Opposition re 22 Notice of MOTION for Summary Judgment <i>Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	28	RULE 56.1 STATEMENT re 22 Notice of MOTION for Summary Judgment <i>Plaintiff's Response to Defendant's Statement Pursuant to Local Civil Rule 56.1</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	29	AFFIDAVIT/DECLARATION in Opposition re 22 Notice of MOTION for Summary Judgment <i>Declaration of Michael G. Capeci in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment</i> [Note: Exhibit 1 was rejected for ECF filing] filed by United States Securities and Exchange Commission. (Attachments: # 1 Exhibit Exhibit 2, # 2 Exhibit Exhibit 3, # 3 Exhibit Exhibit 4, # 4 Exhibit Exhibit 5, # 5 Exhibit Exhibit 6, # 6 Exhibit Exhibit 7, # 7 Exhibit Exhibit 8, # 8 Exhibit Exhibit 9, # 9 Exhibit Exhibit 10, # 10 Exhibit Exhibit 11) (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	30	REPLY in Support re 22 Notice of MOTION for Summary Judgment <i>Reply Memorandum of Law in Support of Defendant's Motion for Summary Judgment</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	31	AFFIDAVIT/DECLARATION in Support re 22 Notice of MOTION for Summary Judgment <i>Supplemental Declaration of Kenneth V. Byrne</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	32	AFFIDAVIT/DECLARATION in Support re 22 Notice of MOTION for Summary Judgment <i>[Supplemental] Declaration of Aaron Taylor</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	33	Letter to Honorable Ramon E. Reyes, Jr., enclosing Defendant's motion for summary judgment (fully briefed) by United States Securities and Exchange Commission (Mahoney, Kathleen) (Entered: 08/05/2019)

08/06/2019	34	MOTION for Hearing re 29 Affidavit in Opposition to Motion,, <i>Request for Oral Argument on Defendant's Motion for Summary Judgement</i> by Robbins Geller Rudman & Dowd LLP. (Attachments: # 1 Exhibit 1 - Hertz Global Holdings Inc.'s November 14, 2014 Form 8-K (Exhibit 1 to the Capeci Declaration submitted on July 22, 2019)) (Capeci, Michael) (Entered: 08/06/2019)
10/17/2019		ORDER denying 34 Motion for Hearing. Ordered by Magistrate Judge Ramon E. Reyes, Jr., on 10/17/2019. (Several, Emily) (Entered: 10/17/2019)